

## **REMARKS**

### **Claim Amendments**

In the third paragraph of claim 1, the recitation of “a total pore volume” was changed to “a mean pore diameter.” This is followed by the recitation of “between 20 and 140 Å,” which is clearly not a measure of volume. Support for the correction of this obvious error can be found, for example, on page 10, line 3, where the recitation of this same feature is correctly set forth.

### **Election/Restriction**

Applicants bring the attention of the Examiner to MPEP § 821.04, Rejoinder, which states that “if the elected invention is directed to the product and the claims directed to the product are subsequently found patentable, process claims [both process of making and using] which either depend from or include all the limitations of the allowable product will be rejoined.” Accordingly, rejoinder of the non-elected claims is respectfully requested at the proper time in accord with the rejoinder provisions of the MPEP.

### **Claim Objections**

The claims objections are overcome by the amendments to the form of the claims.

### **Rejections Under 35 USC § 112, second paragraph**

The rejections to the form of the claims are overcome by the amendments.

The transition aluminas are defined by the following “alpha, rho ..” in the claims. The diffraction pattern of the aluminas of the claims must include at least the main lines that are characteristic of said at least one of the transition aluminas.

### **Rejections Under 35 USC § 102**

Claims 1-18 are rejected as allegedly anticipated by US 6,733,657.

The Office Action alleges that the reference teaches a total pore volume of between 0.5 and 1.2 ml/g and a volume of macropores with a diameter of greater than 500 Å representing 20-80% of the total pore volume. See Office Action page 4, lines 6-9. This means that the macropores in the catalysts alleged to be taught by the reference have a pore volume of [(0.2 to

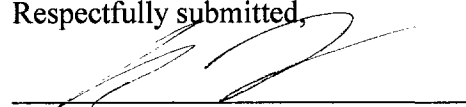
$0.8) \times (0.5 \text{ to } 1.2 \text{ ml/g})] = 0.1 \text{ to } 0.96 \text{ ml/g}$ . The claims of the present invention recite a catalyst having a pore volume in the pores with diameters of more than  $500 \text{ \AA}$ , of less than  $0.1 \text{ ml/g}$  (see claim 1) or of less than  $0.01 \text{ ml/g}$  (see claim 9). The ranges for the pore volumes of the macropores of the reference and of the present claims do not overlap. Thus, there is no anticipation.

Claims 1-18 are rejected as allegedly anticipated by US 6,136,179.

The Office Action alleges that the total pore volume of disclosed in the reference is  $0.7$  to  $0.98$  (see page 5, middle of the page), the units of which are  $(\text{cc/g})$  as can be seen in table 4 on column 6. The claims of the present invention recite a total pore volume between  $0.1 \text{ ml/g}$  and  $0.6 \text{ ml/g}$ . Thus, there is no overlap at all between the total pore volumes of the reference and of the present claims. Moreover, the Office Action alleges that  $26\%$  to  $46\%$  of the total pore volume is present as macropores having diameters of at least  $200 \text{ \AA}$ , which means that the pore volume of these macropores is  $[(0.7 \text{ to } 0.98 \text{ cc/g}) \times (0.26 \text{ to } 0.46)] = 0.182 \text{ to } 0.4508 \text{ cc/g}$ . The claims of the present application recite that pore volume in the pores with diameters of more than  $200 \text{ \AA}$  is less than  $0.1 \text{ ml/g}$ . Thus, there is no overlap at all between the volumes of the macropores having diameters of at least  $200 \text{ \AA}$  of the reference and of the present claims. For either of these reasons alone, there is no anticipation.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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Attorney Docket No.: PET-2105

Date: November 6, 2006

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